



April 18, 2025

FAQs: Report of Damaged Real Property, Form 425

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All real property in this state is subject to taxation and must be assessed as of January 1, 12:01 a.m. This assessment is used as the basis of taxation until the next assessment year, unless the property is damaged on or after January 1 and before July 1 of the current assessment year. The value may be adjusted in accordance with this Report of Damaged Real Property, Form 524.

1. What is the Report of Damaged Real Property, Form 425?

LB501 was approved by the Governor on April 7, 2025, with an emergency clause, allows for the possible reassessment of real property due to significant damage to real property which occurred on January 1 and before July 1 of the current assessment year.

2. Who may file the Report of Damaged Real Property?

An owner of real property that suffered significant property damage occurring **on or after January 1 and before July 1 of the current assessment year.**

3. What is significant property damage?

Significant property damage means –

1. Damage to an improvement exceeding 20% of the improvement's assessed value in the current tax year or
2. Damage to the land exceeding 20% of a parcel's assessed land value in the current tax year.

4. If there is standing water on the ground from rainfall, is that considered damaged?

Standing water from rainfall does not always impact the use of the parcel. The County Board of Equalization (CBOE) will consider the Report of Damaged Real Property and the report provided by the county assessor when considering the reassessment of the property. If the damage does not fit one of the above significant property damage definitions, there will be no new reassessment value made by the CBOE.

5. Is the loss of crop and/or livestock considered damaged real property?

The loss of crop and/or livestock is not considered damaged real property and is not to be considered by a CBOE in making a determination of damaged real property.

6. If there are roads through the county that are impassable, many meadows are covered with water, but no buildings are lost. Would this above average rainfall be considered significant property damage?

The property owner would file a Report of Damaged Real Property. After reviewing the Report of Damaged Real Property and the report by the county assessor, the CBOE will determine if the damage to the parcel exceeds 20% of the improvement value for that year adds another definition to significant property damage.

7. When and where to file?

On or before July 15, property owners with damaged real property must file a copy of the report with the county clerk.

8. Can the deadline to file a Report of Damaged Real Property be extended?

No. The law does not provide for an extension of the deadline to file a Report of Damaged Real Property. The law does provide for a CBOE to extend the deadline by which they must act on a Report of Damaged Real Property to August 10 if a resolution to extend the deadline to hear protests has been adopted pursuant to [Neb. Rev. Stat § 77-1502](#).

9. If a property suffers significant property damage more than once between January 1st and July 1 of a given year, does a property owner need to file separate Reports of Damaged Real Property for each occurrence?

No. If the owner of a property suffering significant property damage has not previously filed a Report of Damaged Real Property before the property suffers significant property damage from a subsequent occurrence, only one report needs to be filed. However, if the owner filed a report before the property suffered additional significant property damage from a subsequent occurrence, an additional report may be filed.

10. What does the property owner need to provide with the Report of Damaged Real Property?

The owner must complete various items on the report such as, name/address, property parcel identification number, legal description, date of damage, identify whether damage was to land and/or buildings, date of damage, and description of damage. Property owners are encouraged to attach any and all supporting documents they want the CBOE to consider when making their determination, including any photographs, reports, damage estimates, repair estimates, insurance documents, or other documents. The burden is on the reporting property owner to provide sufficient evidence for the CBOE to make an adjustment to the assessed value of a property due to significant property damage.

11. What is the responsibility of the county assessor when considering the Report of Damaged Real Property Form 425?

The county assessor will inspect and review all properties for which a Report of Damaged Real Property was filed and submit a comprehensive report on a form prescribed by the Tax Commissioner. The assessor's report will include all documentation submitted by the property owner with their Damaged Real Property Report.

12. Who considers the Report of Damaged Real Property?

The CBOE is responsible for considering the Report of Damaged Real Property. CBOEs will review the Report of Damaged Real Property and the report from the county assessor when considering readjustment of the value of the property.

13. When does the county board of equalization consider this report and is there a hearing scheduled?

The CBOE must review the Report of Damaged Real Property **on or after June 1 and on or before July 25**. The dates for considering this report are the same for overvalued/undervalued property and the publication of a specific hearing is not required. Any hearing(s) held to take action on a Report of Damaged Real Property should be put on the agenda and a notice that the CBOE will be having hearings is sufficient.

14. Is a 10 day notice required for a hearing on a Report of Damaged Real Property?

No, there is not a 10 day notice requirement for a hearing on a Report of Damaged Real Property. However, any hearing(s) held to take action on a Report of Damaged Real Property should be put on the public agenda. As a courtesy, it may be good practice to contact/notify the property owner when the hearing will occur.

15. Can there be one hearing if both a protest of valuation and a Report of Damaged Real Property have both been filed?

Yes. If both a protest of valuation and a Report of Damaged Real Property have been filed, a CBOE should hold a single hearing.

16. Can the county board of equalization provide adjustments to all property owners in an area?

No, the property owner must file the Report of Damaged Real Property for each real property parcel to be considered by the CBOE.

17. Can agricultural and horticultural land that has suffered damage be considered waste?

Agricultural land and horticultural land includes wasteland so long as the wasteland is lying in or adjacent to, and in common ownership or management with, other agricultural and horticultural land. See, [Neb. Rev. Stat. § 77-1359\(1\)](#).

Example: Parcel A is flooded. The parcels around Parcel A were not significantly damaged and can still be farmed. The owner of Parcel A does not own or manage the agricultural acres surrounding Parcel A. Since the parcels surrounding Parcel A are not in common ownership or management, Parcel A **cannot be** considered wasteland.

If however, the owner of Parcel A does own or manage the agricultural acres surrounding Parcel A, these parcels are in common ownership or management and Parcel A **can be** considered wasteland.

To ensure that values on significantly damaged parcels are equalized, the CBOE may need to create an agricultural subclass to extend value to damaged agricultural parcels.

18. Does the property owner receive notice of decisions on a damaged real property report?

Yes, the CBOE will make a decision on or before July 25 and a notice of their decision on reassessment value will be provided to the property owner that filed the report.

19. What if a property owner disagrees with county board of equalization's reassessment value for damaged real property?

If the property owner disagrees with the reassessment value for damaged real property they must file a valuation protest with the county clerk within 30 days of the notice of the reassessment value for damaged real property.

20. Once a county board of equalization has adjusted the value of damaged real property, is the new assessed value only for the current assessment year?

Yes. The value of damaged real property as determined by a CBOE is only effective for the current assessment year. The affected property will be subject to re-evaluation and assessed as of January 1 for the next assessment year. Property values cannot be frozen.

The CBOE must act upon the valuation protest within 30 days after the filing of the protest. Within seven days after the CBOE's final decision, the county clerk must mail a written notice of the decision to the protester.

An appeal of the CBOE's action regarding the valuation protest of the reassessment value for damaged real property may be made to the Tax Equalization and Review Commission.

21. Is the owner of a mobile home that has suffered significant property damage and that has paid accelerated tax to move it off of a property eligible for a refund?

Yes. If the owner of a mobile home has paid an accelerated tax to move the mobile home under [Neb. Rev. Stat §§ 77-3708](#) and [77-1725.01](#) and a CBOE has made an adjustment to the assessed value after considering a Report of Damaged Real Property for the mobile home, upon a written claim for a refund the county treasurer shall refund the portion of the tax paid in excess of the amount due after the adjustment has been made.